

SENATE NO. 1378

AN ACT RELATIVE TO TRAINING FOR LAW ENFORCEMENT IN DEALING WITH INDIVIDUALS SUFFERING FROM MENTAL ILLNESS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 116C the following section:--

SECTION 116D. (a) The municipal police training committee shall establish within the recruit basic training curriculum a course for regional and municipal police training schools on or before January first, two-thousand and seven for the training of law enforcement officers in the commonwealth in the handling of complaints involving mental health emergencies and victims, witnesses or suspects with mental illness or mental retardation and also shall develop guidelines for law enforcement responses to incidents involving such persons. The course of instruction and the guidelines shall emphasize:

- (1) The enforcement of criminal laws for the benefit of victims and witnesses with mental illness or mental retardation, the availability of civil remedies and community resources for persons experiencing mental health emergencies, and the protection of persons with mental illness or mental retardation and for law enforcement officers engaging such persons;

(2) The laws regarding the defenses of responsibility and competency to stand trial, and the diversion of persons with mental illness or mental retardation for treatment instead of criminal prosecution;

(3) The provision of information to law enforcement officers about individuals suffering from mental illness or mental retardation, including common behaviors and actions exhibited by such individuals; strategies law enforcement officers can use for reducing or preventing the risk of harm arising from persons experiencing mental health emergencies, or from victims, witnesses or suspects with mental illness or mental retardation with the aim of seeking the least intrusive, restrictive and violent means of addressing such incidences and individuals while protecting the safety of the law enforcement officer and other persons present at the complaint scene.

Training presenters shall include certified mental health practitioners with expertise in the delivery of direct services to individuals experiencing mental health emergencies and victims, witnesses and suspects with mental illness and mental retardation and consumer-survivors i.e. individuals with mental illness and mental retardation. Training presentations may utilize the staff of community-based mental health or retardation treatment facilities.

As used in this section, “law enforcement officer” shall mean any officer of a municipal police department, the department of the state police or the Massachusetts Bay Transportation Authority police department. “Consumer-survivor” shall mean any individual suffering from mental health disability or mental retardation.

(b) All law enforcement recruits shall receive the course of basic training for law enforcement officers, established in paragraph (a) of this section, as part of their required certification process.

37 (c) The course of instruction, the learning and performance objectives, the standards for training,
38 and the guidelines shall be developed by the municipal police training committee in consultation
39 with groups and individuals having an interest and expertise in the field of mental health and
40 community-based treatment.

41 (d) The municipal police training committee periodically shall include within its in-service training
42 curriculum a course of instruction on handling complaints from or against persons with mental
43 illness and mental retardation, consistent with the provisions of sub-paragraphs one through three of
44 paragraph (a) of this act.